



General Assembly

January Session, 2015

Raised Bill No. 870

LCO No. 3103



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING THE DUTIES OF ANIMAL CONTROL OFFICERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 22-331 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2015*):

4 (b) Except as provided in section 22-331a, the chief or
5 superintendent of police in each other city or town having a police
6 department and the selectmen or chief executive officer in each town
7 which has no police department, or such other appointing authority as
8 the charter of such town may designate, in their respective
9 jurisdictions, shall appoint a municipal animal control officer and such
10 assistants as are deemed necessary to administer and enforce the laws
11 relating to dogs and other domestic animals. Such officer and
12 assistants shall have such qualifications as the commissioner may
13 prescribe and shall serve for a term of at least one year.

14 Sec. 2. Section 22-332 of the general statutes is repealed and the
15 following is substituted in lieu thereof (*Effective October 1, 2015*):

16 (a) The Chief Animal Control Officer, any animal control officer or
17 any municipal animal control officer shall be responsible for the
18 enforcement of this chapter and shall make diligent search and inquiry
19 for any violation of any of its provisions. Any such officer may take
20 into custody (1) any dog found roaming in violation of the provisions
21 of section 22-364, (2) any dog not having a tag or plate on a collar about
22 its neck or on a harness on its body as provided by law or which is not
23 confined or controlled in accordance with the provisions of any order
24 or regulation relating to rabies issued by the commissioner in
25 accordance with the provisions of this chapter, or (3) any dog or other
26 domestic animal found injured on any highway, neglected, abandoned
27 or cruelly treated. The officer shall impound such dog or other
28 domestic animal at the pound serving the town where the dog or other
29 domestic animal is taken unless, in the opinion of a licensed
30 veterinarian, the dog or other domestic animal is so injured or diseased
31 that it should be destroyed immediately, in which case the municipal
32 animal control officer of such town may cause the dog or other
33 domestic animal to be mercifully killed by a licensed veterinarian or
34 disposed of as the State Veterinarian may direct. The municipal animal
35 control officer shall immediately notify the owner or keeper of any dog
36 or other domestic animal so taken, if known, of its impoundment. Such
37 officer shall immediately notify the owner or keeper of any other
38 domestic animal which is taken into custody, if such owner or keeper
39 is known. If the owner or keeper of any such dog or other domestic
40 animal is unknown, the officer shall immediately tag or employ such
41 other suitable means of identification of the dog or other domestic
42 animal as may be approved by the Chief Animal Control Officer and
43 shall promptly cause (A) a description of such dog or other domestic
44 animal to be published once in the lost and found column of a
45 newspaper having a circulation in such town or that has a state-wide
46 circulation, and (B) a photograph or description of such dog or other
47 domestic animal and the date on which such dog or other domestic
48 animal is no longer legally required to be impounded to be posted on a
49 national pet adoption Internet web site or an Internet web site that is
50 maintained or accessed by the animal control officer and that is

51 accessible to the public through an Internet search, except such posting
 52 shall not be required if: (i) The dog or other domestic animal is held
 53 pending the resolution of civil or criminal litigation involving such dog
 54 or other domestic animal, (ii) the officer has a good faith belief that the
 55 dog or other domestic animal would be adopted by or transferred to a
 56 public or private nonprofit rescue organization for the purpose of
 57 placing such dog or other domestic animal in an adoptive home even
 58 in the absence of such posting, (iii) the dog or other domestic animal's
 59 safety will be placed at risk, or (iv) such animal control officer
 60 determines that such dog or other domestic animal is feral and not
 61 adoptable. If any animal control officer does not have the technological
 62 resources to post such information on an Internet web site as required
 63 by subparagraph (B) of this subdivision, such officer may contact a
 64 public or private animal rescue organization and request that such
 65 organization post such information, at such organization's expense, on
 66 [a] an Internet web site that is accessible to the public through an
 67 Internet search. To the extent practicable, any such posting by an
 68 animal control officer or a public or private animal rescue organization
 69 shall remain posted for the duration of such dog or other domestic
 70 animal's impoundment in the municipal or regional dog pound.

71 (b) If such dog or other domestic animal is not claimed by and
 72 released to the owner within seven days after the date of publication,
 73 the municipal animal control officer, upon finding such dog or other
 74 domestic animal to be in satisfactory health, may have a licensed
 75 veterinarian spay or neuter such dog and sell such dog or other
 76 domestic animal to any person who satisfies such officer that [he] such
 77 person is purchasing [it] such dog or other domestic animal as a pet
 78 and that [he] such person can give it a good home and proper care. The
 79 municipal animal control officer may retain possession of such dog or
 80 other domestic animal for such additional period of time as [he] such
 81 animal control officer may deem advisable in order to place such dog
 82 or other domestic animal as a pet and may have a licensed veterinarian
 83 spay or neuter such dog. If, within such period, any dog or other
 84 domestic animal is not claimed by and released to the owner or keeper

85 or purchased as a pet, the officer shall cause such dog or other
 86 domestic animal to be mercifully killed by a licensed veterinarian or
 87 disposed of as the State Veterinarian may direct. Any veterinarian who
 88 so destroys a dog shall be paid from the dog fund account. No person
 89 who so destroys a dog or other domestic animal shall be held
 90 criminally or civilly liable therefor nor shall any licensed veterinarian
 91 who spays or neuters a dog pursuant to this section be held civilly
 92 liable, including, but not limited to, liability for reconstructive neuteal
 93 implantation surgery.

94 (c) The town treasurer or other fiscal officer shall pay from the dog
 95 fund account the advertising expense incurred under the provisions of
 96 this section upon receipt of an itemized statement together with a copy
 97 of the advertisement as published. Any person who purchases a dog as
 98 a pet shall pay a fee of five dollars and procure a license and tag for
 99 such dog from the town clerk, in accordance with the provisions of
 100 section 22-338. In addition to the five-dollar fee, any person who
 101 purchases a dog as a pet may be charged the cost the municipality
 102 incurred, if any, to spay or neuter and vaccinate the dog, provided
 103 such charge shall not exceed one hundred fifty dollars.

104 (d) No regional or municipal dog pound facility, municipality,
 105 regional or municipal animal control officer or public or private
 106 nonprofit animal rescue organization that arranges for the provision of
 107 treatment by a licensed veterinarian to an injured, sick or diseased
 108 animal pursuant to a contract described in section 22-332e shall be held
 109 civilly liable for such actions unless such actions are performed in a
 110 wanton, reckless or malicious manner. No licensed veterinarian who
 111 provides treatment free of charge or for a reduced fee, to an injured,
 112 sick or diseased animal as a direct result of a contract described in
 113 section 22-332e shall be held civilly liable for the provision of such
 114 treatment unless such actions are performed in a wilful, wanton or
 115 reckless manner.

116 Sec. 3. Section 22-335 of the general statutes is repealed and the
 117 following is substituted in lieu thereof (*Effective October 1, 2015*):

118 Any municipal animal control officer may be removed by the
 119 authority [which appointed him] that appointed such animal control
 120 officer or by the commissioner, and a successor may be appointed by
 121 such authority or commissioner. Any owner of a dog, [or] cat or other
 122 domestic animal aggrieved by the taking of such dog, [or] cat or other
 123 domestic animal by a municipal animal control officer may make
 124 complaint to the appointing authority of such municipal animal
 125 control officer or to the commissioner; and if, upon investigation of the
 126 complaint, the authority or the commissioner finds that the municipal
 127 animal control officer took the dog, [or] cat or other domestic animal
 128 otherwise than in accordance with the provisions of this chapter, or
 129 abused or cruelly treated the dog, [or] cat or other domestic animal, the
 130 authority or the commissioner may remove the officer and appoint
 131 [his] a successor.

132 Sec. 4. Section 22-336 of the general statutes is repealed and the
 133 following is substituted in lieu thereof (*Effective October 1, 2015*):

134 Each city or town, other than towns participating in a regional dog
 135 pound, shall (1) provide and maintain for use as a dog pound a
 136 suitable building, which shall be made comfortable for the detention
 137 and care of dogs and other domestic animals and kept in a sanitary
 138 condition, or (2) provide, through written agreement, for the detention
 139 and care of impounded dogs or other domestic animals by a licensed
 140 veterinarian, or in a licensed veterinary hospital, licensed commercial
 141 kennel, a dog pound maintained by another city or town, or other
 142 suitable facility approved by the commissioner. Any city or town may
 143 provide for the use of such building or facility to shelter other
 144 domestic animals [which] that are found injured, mistreated or
 145 roaming in a manner [which] that endangers the domestic animal or
 146 the public. The commissioner may adopt regulations, in accordance
 147 with the provisions of chapter 54, concerning the construction and
 148 maintenance of dog pounds or other facilities where impounded dogs
 149 or other domestic animals are kept, and the care, handling and
 150 transportation of dogs or other domestic animals by municipal animal

151 control officers. The commissioner may inspect any dog pound or
152 other facility where impounded dogs or other domestic animals are
153 kept and may issue such orders as [he] the commissioner deems
154 necessary to correct any improper conditions found to exist. If such
155 orders are not complied with, the commissioner may request the
156 Attorney General to bring an action for their enforcement, including
157 suit for an injunction in the judicial district in which the dog pound or
158 facility is located.

159 Sec. 5. Section 22-380e of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective October 1, 2015*):

161 As used in sections 22-380e to 22-380m, inclusive:

162 (1) "Commissioner" means the Commissioner of Agriculture;

163 (2) "Program" means the animal population control program;

164 (3) "Account" means the animal population control account;

165 (4) "Participating veterinarian" means any veterinarian who has
166 been certified to participate in the program by the commissioner;

167 (5) "Pound" means any state or municipal facility where
168 impounded, quarantined or stray dogs, [and] cats or other domestic
169 animals are kept or any veterinary hospital or commercial kennel
170 where such dogs, [or] cats or other domestic animals are kept by order
171 of a municipality;

172 (6) "Eligible owner" means a person who has purchased or adopted
173 a dog or cat from a pound and who is a resident of this state;

174 (7) "Medically unfit" means (A) unsuitable for a surgical procedure
175 due to any medical condition that may place a dog or cat at life-
176 threatening risk if a surgical procedure is performed on such animal,
177 as determined by a participating veterinarian, or (B) unsuitable for
178 sterilization due to insufficiency in age, as determined by a

179 participating veterinarian, of a dog or cat under the age of six months;

180 (8) "Neuter" means the surgical procedure of castration on a male
181 dog or cat;

182 (9) "Spay" means the surgical procedure of ovariectomy on a
183 female dog or cat;

184 (10) "Voucher" means a nontransferable document provided by the
185 commissioner and issued by a pound to an eligible owner authorizing
186 payment of a predetermined amount from the animal population
187 control account to a participating veterinarian;

188 (11) "Feral cat" means a cat of the species *Felis catus* that is
189 unowned, that exists in a wild or untamed state or has returned to an
190 untamed state from domestication and whose behavior is suggestive of
191 a wild animal; and

192 (12) "Low-income person" means a recipient of or a person eligible
193 for one of the following public assistance programs:

194 (A) The supplemental nutrition assistance program authorized by
195 Title XIII of the federal Food and Agriculture Act of 1977, 7 USC 2011
196 et seq.;

197 (B) The federal Temporary Assistance for Needy Families Act
198 authorized by 42 USC 601 et seq.;

199 (C) The Medicaid program authorized by Title XIX of the federal
200 Social Security Act;

201 (D) The HUSKY Plan Part A;

202 (E) The state-administered general assistance program;

203 (F) The state supplement program; or

204 (G) Any other public assistance program that the commissioner

205 determines to qualify a person as a low-income person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	22-331(b)
Sec. 2	<i>October 1, 2015</i>	22-332
Sec. 3	<i>October 1, 2015</i>	22-335
Sec. 4	<i>October 1, 2015</i>	22-336
Sec. 5	<i>October 1, 2015</i>	22-380e

ENV *Joint Favorable*

PD *Joint Favorable*